IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 9912 of 1999

For Approval and Signature:

HON'BLE MR.JUSTICE H.K.RATHOD

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

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ANANTRAI M TRIVEDI

Versus

STATE OF GUJARAT 3RD SPECIAL LAND ACQUISITION

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Appearance:

1. Special Civil Application No. 9912 of 1999

Mr. Shivant Shhukla for MR DC DAVE for Petitioner No. 1-2

Mr. Siraj Ghori, AGP for Respondent No. 1

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CORAM : HON'BLE MR.JUSTICE H.K.RATHOD

Date of decision: 01/12/2003

ORAL JUDGEMENT

Heard learned advocate Mr.Shukla for Mr. Dave for the petitioner and MR.Ghori, learned AGP for the

respondents. The grievance of the petitioner is to the effect that the benefit which has been given by the respondents as per order dated 25.4.1991 to the retired professor retired from 1.1.1973 under the Resolution dated 15.10.1984 has not been given to the petitioner and therefore, the petitioner made representation to the respondents dated 28th November, 1995 and 16th July, 1999 but till this date, the respondents have not given any response or answer to the said representation. Learned advocate Mr. Shukla appearing for the petitioner has submitted that some suitable directions are required to be issued to the respondents to consider the petitioner's representation dated 28.11.1995 and 16th July, 1999 and to consider the case of the petitioner as per GR dated 15.10.1984.

On the other hand, learned AGP Mr. Ghori appearing for the respondent authorities has submitted that the stand taken by the respondent is proper and the petitioners are not entitled for the benefit and such resolution as aforesaid is not applicable to the petitioners. In support of his submissions, he has placed reliance on the decision of this Court (Coram : Miss Justice R.M. Doshit).

I have considered the submissions made by the learned advocates for the parties. In the facts and circumstances of the case, without entering into the merits of the matter, respondents are directed to consider the representations of the petitioner dated 28.11.1995 as well as 16.7.1999 and to pass appropriate well reasoned and speaking orders in accordance with law within two months from the date of receipt of copy of this order and to communicate the same to the petitioner immediately thereafter. With these observations and directions, this petition is disposed of with a liberty liberty in favour of the petitioner to move this court for revival of this petition in case of any difficulty. Rule is discharged. Interim relief, if any, shall stand vacated. There shall be no order as to costs.

Dt. 1.12.2003. (H.K. Rathod,J.)
Vyas